

90-292 ①

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA

OCTOBER TERM 1989

LEO M. MULLEN, M.D.

PETITIONER

VS.

THE CITY OF BELTON ET AL

PETITION FOR WRIT OF CERTIORARI TO THE

COURT OF APPEALS OF MISSOURI

LEO M. MULLEN, M.D. PRO SE

4443 PASEO BLVD.

KANSAS CITY, MO. 64110

PHONE 1-816-921-5411 OR NIGHTS 1-913-362-2602

BY


LEO M. MULLEN, M.D. PRO SE

Supreme Court, U.S.
FILED

JUN 11 1990

JOSEPH F. SPANIEL, JR.
CLERK



QUESTIONS PRESENTED FOR REVIEW:

1. THE CASE AROSE OVER THE IMPLEMENTATION OF GENERAL OBLIGATION BONDS FOR THE SEWER PROJECT FOR THE CITY OF BELTON. ALTHOUGH THE ELECTION BALLOT SPECIFICALLY OUTLINED THAT THE SEWER BONDS WOULD BE ASSESSED AGAINST ALL TANGIBLE PROPERTY OF THE CITY OF BELTON, THE CITY OF BELTON ASSESSED ONLY THE NORTHEAST WARDS WHERE THE PLAINTIFFS OWNED SUBSTANTIAL LOTS WHICH WERE ASSESSED EXORBITANTLY AND AS THE RESULT THE PLAINTIFFS WERE SUBJECTED TO GREAT LOSSES AND HAD TO SELL AT A SACRIFICE. SEE REVISED STATUTES OF MO. SEC 95-125 MO. CONSTITUTION OF 1945 ARTICLE VI SEC. 26(d) AND REIS vs METROPOLITAN ST. LOUIS SEWER DISTRICT, 373-SW-2nd-22 (MO. 1922) MO 1963. NICHOLS vs. KANSAS CITY, MO. 237-SW 107-(MO. 1922).
2. THE TRIAL COURT ERRED AND DID NOT ALLOW TRIAL AS SHOULD HAVE BEEN SINCE THE CITY OF BELTON HAD MISREPRESENTED THE FACTS AND OBVIOUS FRAUD EXISTED. SEE: STATE OF MISSOURI VS GENERAL AMERICAN LIFE INSURANCE CO. 85-SW-2ND 68 (MO. 1935) ALSO STATE EX REL-DALTON VS METRO ST. LOUIS SEWER DISTRICT 275-SW-2ND-255 (MO 1955) ASHLEY VS METZ, 513 SW 2ND-308 MO 1974. ALSO DEFRATESS VS. K.C.MO. 521-SW 2ND-385(MO. APP. 1975).
3. THE CHIEF JUDGE IN VIOLATION OF SUPREME COURT CASES DECIDED TO DISMISS THE CASE BECAUSE OF A DEFECTIVE BRIEF AND THIS WAS ALLEGEDLY DUE TO THE FACT THE CHIEF JUDGE HAD TO BE IN SOME WAY BRIBED TO DO SUCH A THING AND PROPER ATTENTION TO CRIMINAL CHARGES SHOULD BE GIVEN THIS CASE AGAIN. THE FAILURE OF THE CHIEF JUDGE ANTHONY P. NUGENT IS IN VIOLATION OF THE CASES THAT HAVE BEEN BEFORE THE SUPREME COURT WHEREBY THE SUPREME COURT OF THE U.S.



HAS FORBIDDEN ANY CHIEF JUDGE TO DISMISS WITHOUT ALLOWING THE THREE JUDGE PANEL OF THE MO. COURT OF APPEALS W.D. TO HEAR THE CASE. THE CHIEF JUDGE ANTHONY P. NUGENT HAS BEEN INVOLVED WITH ALLEGEDLY SOME TYPE OF BRIBERY TO DO SUCH A THING AND THIS MUST BE INVESTIGATED.

4. THE SUPREME COURT OF MO HAS RECEIVED NUMEROUS REQUESTS FOR INVESTIGATION OF THIS CASE AND THAT HAS NOT HAPPENED TO THIS DATE OF THIS FILING. THE AMENDED BRIEF OF PLAINTIFFS IS ENTIRELY ADEQUATE FOR A PRO SE FILING AND COULD NOT BE REJECTED.

5. NO FACTUAL DETERMINATION HAS BEEN MADE IN THIS CASE.



QUESTIONS PRESENTATED FOR REVIEW.....	PAGE 1 & 2
TABLE OF CONTENTS.....	PAGE 3
TABLE OF AUTHORITIES AND JURISDICTION.....	PAGE 4 & 5
APPLICATION FOR WRIT OF CERTIORARI.....	PAGE 6 & 7
LAST ORDER OF THE SUPREME COURT AND ONLY ORDER..	PAGE 8
LAST ORDER OF THE COURT OF APPEALS OF MISSOURI, WESTERN DISTRICT.....	PAGE 9
LAST ORDER OF THE CIRCUIT COURT OF CASS COUNTY, MISSOURI AT HARRISONVILLE.....	PAGE 9a
LETTER OF THE CLERK OF THE SUPREME COURT, STATE OF MISSOURI.....	PAGE 9b
LETTER OF PRE-SUBMISSION SETTLEMENT CONFERENCE, MISSOURI COURT OF APPEALS, WESTERN DISTRICT...	PAGE 9c & 9d
CONCLUSION AND PARTY TO THE PROCEEDINGS AND CERTIFICATE OF SERVICE.....	PAGE 10 & 11



TABLE OF AUTHORITIES AND JURISDICTION

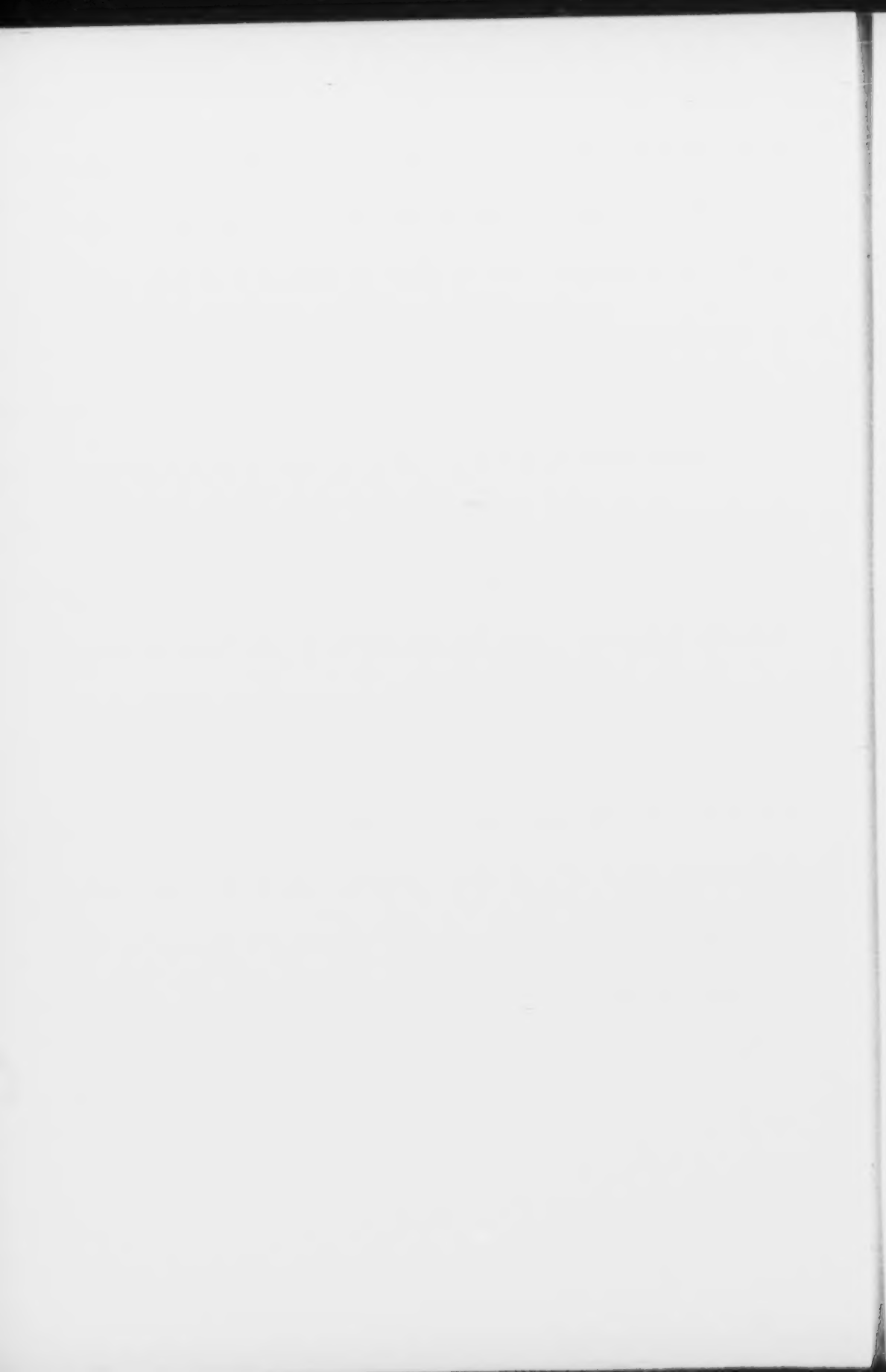
1. ON MARCH 13TH, 1990 THE SUPREME COURT OF THE STATE OF MO. ENTERED AN ORDER THAT SIMPLY STATED THAT THE APPLICATION TO TRANSFER WAS DENIED WITHOUT ANY FURTHER INVESTIGATION OR HEARING AND THIS ORDER IS IN VIOLATION OF THE SUPREME COURT OF THE UNITED STATES PREVIOUS DECISIONS WHICH ALLOWED A PRO SE TO PROCEED IN COURT. A PRO SE DOES NOT HAVE TO FOLLOW THE SAME GUIDELINES THAT THOSE WITH LAW DEGREES HAVE AND THIS HAS BEEN OUTLINED NUMEROUS TIMES IN THE DECISIONS OF THE SUPREME COURT OF THE UNITED STATES OF AMERICA.
2. THE CASE WAS FOUND FOR THE CITY OF BELTON ON JUNE 10TH, 1989 WITHOUT ANY FINDINGS OF FACT OR CONCLUSIONS OF LAW AND ALLEGEDLY CONSPIRACY WAS USED TO GAIN THE DECISION.
3. THE PLAINTIFFS RELY AS MENTIONED ON MO STATUTES SEC. 95:125 AND THE MO CONSITTUTION OF 1945 ARTICLE VI-SECTION 26(d). IN ADDITION CASES PRESENTED ARE REIS VS METROPOLITAN ST. LOUIS SEWER DISTRICT, 373-SW 2ND-22 (MO 1963) AND NICHOLS VS KANSAS CITY, 237-SW-107 (MO. 1922). THE CASES POINT OUT THAT MISREPRESENTATION OF FACT IN THE BOND



ELECTION MEANT THAT THE WHOLE CITY OF BELTON SHOULD HAVE BEEN ASSESSED SINCE THIS WAS OUTLINED ON THE BALLOT THAT BROUGHT THE BONDS TO THE CITY OF BELTON.

4. THE CITY OF BELTON DECIDED TO MAKE THEIR OWN LAWS AND VIOLATED DUE PROCESS OF LAW GUARANTEED UNDER THE 14TH AMENDMENT OF THE CONSTITUTION. SEE STATE OF MO. VS GENERAL AMERICAL LIFE - 85-SW-2ND-68 (MO 1935) STATE EX REL DALTON VS METROPOLITAN ST. LOUIS SEWER DIST., 275-SW-2ND 255, (MO1955) -- ASHLEY VS METZ, 513-SW-2ND 308 (MO. 74). DEFRAITIS VS KANSAS CITY, 521-SW-2ND 385 (MO APP. 1975)

THERE IS SPECIFIC FRAUD INVOLVED IN THAT THE CITY OF BELTON GOT THE BOND MONEY THROUGH THE BALLOT WHICH OUTLINED THAT ALL OF THE TANGIBLE PROPERTY WOULD BE ASSESSED AND THE ASSESSMENTS OF ONLY A FEW LOTS HAS CAUSED THE SEWER TAX TO BE MORE THAN THE VALUE OF THE LOTS.



**IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA
APPLICATION FOR WRIT OF CERTIORARI THROUGH THE
SUPREME COURT OF THE STATE OF MISSOURI**

THE SUPREME COURT OF THE STATE OF MO. HAS FAILED TO PROPERLY GO OVER THE PRESENT CASE AND HAS DENIED THE RIGHTS OF THE PLAINTIFFS TO THEIR CONSTITUTIONAL RIGHTS. THE SAID ANTHONY P. NUGENT HAS IN SOME WAY BEEN BRIBED TO SEND THIS CASE OUT WITHOUT ANY DECISION BEING REACHED BY THE THREE JUDGE PANEL SINCE HE HAS ORDERED THE CASE DISMISSED IN VIOLATIONS OF SUPREME COURT CASES OF THE UNITED STATES OF AMERICA.

THE PLAINTIFFS ARE ENTITLED TO USE THE COURT SYSTEM WITHOUT BEING SUBJECTED TO FRAUD AND PERJURY WHICH IS OBVIOUS SINCE THERE HAS BEEN NO DETERMINATION OF THE FACTS INVOLVED AND THE PRO SE IS ENTITLED TO THE COURT SYSTEM AS WELL AS THE LAW PROFESSION. THE PRO SE IS NOT ENTITLED TO BE DISMISSED WITHOUT DUE PROCESS AND THAT HAS NOT BEEN ACCOMPLISHED IN THIS CASE.

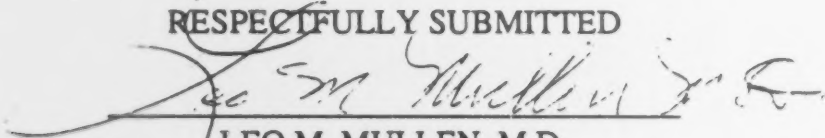
THE DEFENDANTS AND THE MANY BUYERS OF THE OF THE MORE THAN 1000 LOTS INVOLVED HAVE BEEN SUBJECTED TO GREAT LOSSES AS THE RESULT OF THIS FRAUD AND PERJURY INVOLVED. THE ACTION OF THE CASS COUNTY COURT IS WITH-



OUT PRECEDENCE AND THE ACTION OF THE CHIEF JUDGE OF THE COURT OF APPEALS, WESTERN DISTRICT WOULD SEEM TO BE OBVIOUSLY DUE TO SOME SORT OF BRIBERY AND THE SUPREME COURT OF THE STATE OF MISSOURI HAS NOT TAKEN THE APPROPRIATE ACTION TO STAMP OUT THIS FRAUD AND PERJURY.

WHEREFORE THE PLAINTIFFS REQUEST INJUNCTION AS ORIGINALLY ASKED FOR IN THE COURT SYSTEM AND THE CASE SET FOR HEARING IF NEEDED

RESPECTFULLY SUBMITTED


LEO M. MULLEN, M.D.
4443 PASEO BLVD.
KANSAS CITY, MO 64110
PHONE 1-816-921-5411 AND 1-913-362-2602

IN THE CIRCUIT COURT OF CASS COUNTY, MISSOURI AT
HARRISONVILLE

BE IT REMEMBERED, That on the 16th day of June, 1989
of said term of said Court, among others, the following proceedings were
had, to-wit:

Re: Leo M. Mullen, M.D. vs. City of Belton
Case No. CV188-268CC

6-16-89 - The Court, having reviewed the stipulated facts and the
suggestions of counsel filled herein, now makes the following rulings:

- (1) Plaintiff's request for injunctive relief is denied;
- (2) Court finds the issues in favor of defendants, and enters judgment
in favor of defendants and against plaintiff;
- (3) Costs taxed to plaintiff.

/s/ Joseph P. Dandurand, Judge

Copy of the above docket entry
mailed this 19th day of June, 1989,
to:

Mr Peter J. Koppe
922 Oak Street, 1st Floor
Kansas City, Missouri 64106-2602
Attorney for Plaintiff

Mr. W. James Foland
Mr. Joseph J. Roper
Twelve Wyandotte Plaza Bldg.
120 West 12th Street, Suite 1700
Kansas City, Missouri 64105
Attorneys for Defendants

BONNIE EARL, CIRCUIT CLERK
(SIGNED) LILA FAMULINER
Deputy

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

PAGE 9

**LEO M. MULLEN, M.D., AND)
THE CREDIT CARD CORPORATION,)**

Appellants,)

vs.)

No. WD 42160

CITY OF BELTON, et al.,)

Respondents)

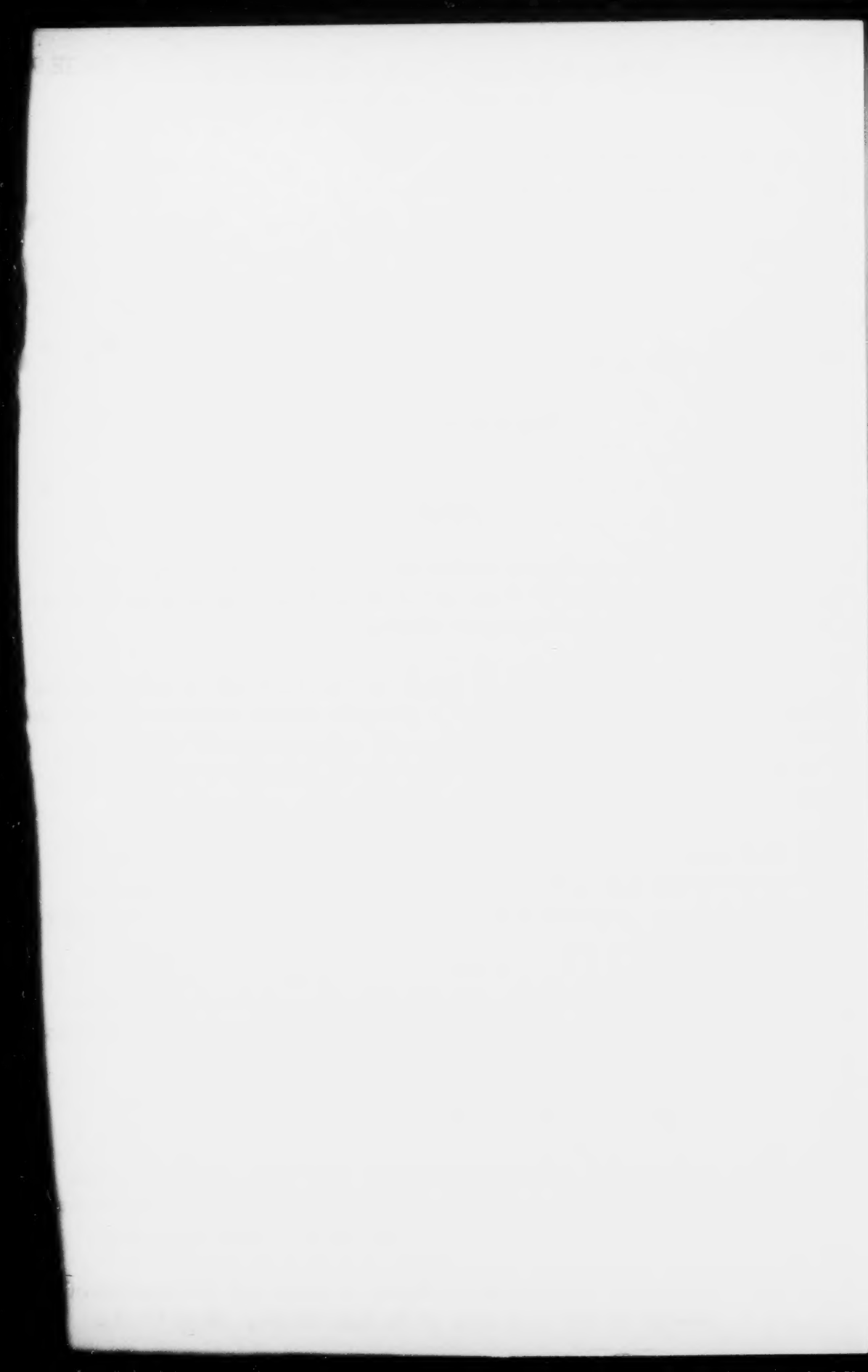
ORDER

A pre-submission settlement conference in the above case has been set for Tuesday, August 29, 1989, at 10:00 a.m. before the conference judge at the Missouri Court of Appeals, 1300 Oak, Kansas city, Missouri.

Attendance at the conference by counsel (or the attendance by any party who is unrepresented by counsel) is mandatory. The main purpose of the conference is to explore settlement possibilities. In furtherance of that goal, counsel will need to confer with their respective clients regarding authority to settle at a given dollar amount.

In addition to any Procedure Form required by Supreme Court Rule, the following documents shall be filed by appellant (with the exception of item no. 1 which is to be filed by respondents as well) at least seven (7) days before the conference date.

- (1) a brief statement or description of the case not to exceed one type written page. Any monetary awards shall be set forth. (Respondents should set forth their position.)
- (2) a copy of the order or judgement appealed from;
- (3) a copy of the motion for new trial, if filed, with a notation as to the issues therein to be argued on appeal, or if a motion for new trial was not filed, a listing of the issues expected to be raised on appeal;
- (4) a statement as to whether the record on appeal will be composed of the legal file and a transcript or the legal file only. (Rule 81.18);



- (5) a complete listing of all parties to the cases in the trial court and the name of the law firm, attorneys or attorney representing each of the parties in the trial court and on appeal, and all other persons, associations of persons, partnerships or corporations having a pecuniary interest in the outcome of the case.

Mail or deliver such statements and documents to the undersigned conference judge at the Missouri Court of Appeals, Western District, 1300 Oak, Kansas City, Missouri, 64106, and not to the court clerk.

At the conference, counsel should be prepared to discuss the issues and the record on appeal. Before the conference, counsel should also discuss with their clients the possibility and the advisability of settlement. Clients should be available by phone at the time of the settlement conference.

Sanctions for non-compliance with this order may include dismissal of the appeal and contempt sanctions.

If any party wished to reset the date of the conference, it is the responsibility of that party to determine another mutually agreeable date immediately. Any request for rescheduling the settlement conference should be directed to the settlement conference clerk, Lisa Mitchell, 816-474-5511, Est. 226.

Unless expressly ordered by the conference judge, times prescribed by Rules 81 through 84, for the various steps in pursuance of an appeal are not stayed by the settlement conference.

(signed) GARY A. FENNER
Conference Judge

Dated: July 17, 1989

Copies to: Peter J. Koppe; W. James Foland; Joseph J. Roper

NOTE: This order is being mailed only to those persons indicated above. If you know of any other person to whom notice should be sent, please advise the settlement conference clerk at once.

Clerk of the Supreme Court
State of Missouri
Post Office Box 150
Jefferson City, Missouri
65102

Thomas F. Simon
clerk

January 31, 1990

Leo M. Mullen, M.D.
4443 Paseo Blvd.
Kansas City, MO 64110

In re: Mullen, et al. vs. The City of Belton, et al.
W.D. No. 42160

Dear Dr. Mullen:

The enclosed application to transfer in the above-referenced case is being returned to you herewith, unfiled, because it is not in compliance with Supreme Court Rule 83.04. You should consult with competent legal counsel. This will best ensure that all of your rights are protected.

Very truly yours,
THOMAS F. SIMON
(signed) Kathleen Blanton
Deputy Clerk, Court en Banc

Enclosures

cc: Clerk, Western District Court of Appeals
Mr. William J. Foland, Jr.

Missouri Court of Appeals
Western District
1300 Oak Street
Kansas City, Mo. 64106-2970

Peggy Stevens McGraw
Clerk-Docket Attorney

February 16, 1990

Leo Mullen
4443 Paseo
Kansas City, MO 64110

Mr. Mullen,

Please be advised that the Court overruled your motion for rehearing/transfer on February 9, 1990.

Melissa Class
Deputy Clerk

cc: William Foland



In the Supreme Court of Missouri

No. 72480

W.D. No. 42160

January Session, 1990

Leo M. Mullen, M.D. and
TheCredit Card Corporation,

Appellants,

vs. (TRANSFER)

City of Belton, et al.,

Respondents.

Now at this day, on consideration of Appellant's application to transfer the above-entitled cause from the Western District Court of Appeals, it is ordered that said application be, and the same is hereby denied.

STATE OF MISSOURI-Sct.

I, THOMAS F. SIMON, Clerk of the Supreme Court of the State of Missouri, certify that the foregoing is a full, true and complete transcript of the judgement of said Supreme Court, entered of record at the January Session thereof, 1990, and on the 13th day of March, 1990, in the above entitled cause.

Given under my hand and seal
of said Court, at the City of Jefferson,
this 13th day of
March, 1990.

(signed) Thomas Luron
clerk



CONCLUSION

IT IS CLEAR THAT THE PLAINTIFFS HAVE PAID THEIR MONEY TO HAVE THE CASE TRIED FOR FRAUD AND PERJURY AND THIS HAS BEEN DENIED WITHOUT DUE PROCESS. THE CASE REPRESENTS CRIMINAL PROCEEDINGS WHICH MUST BE INVESTIGATED, BUT THE PLAINTIFFS HAVE NO MEANS OF INVESTIGATING THE FRAUD AND PERJURY INVOLVED. THE SUPREME COURT OF THE UNITED STATES MUST GUARD THE CONSTITUTIONAL RIGHTS OF THE PLAINTIFFS SO THAT JUSTICE CAN BE SERVED IN THIS CASE.

PARTIES TO THE PROCEEDINGS AND CERTIFICATE OF SERVICE

THE PARTIES ARE:

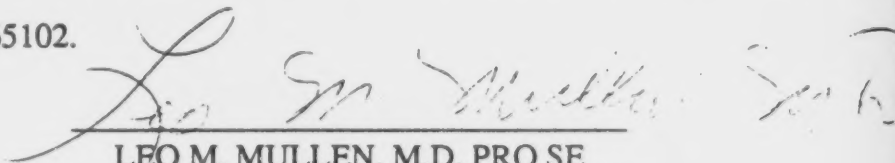
1. CASS COUNTY CIRCUIT COURT
2. THE MISSOURI COURT OF APPEALS WESTERN DISTRICT
3. THE SUPREME COURT OF THE STATE OF MO, JEFFERSON CITY, MO.
4. THE LAW FIRM OF SHUGHART, THOMPSON, KILROY-JAMES FOLAND, JR. ATTY.

CERTIFICATION OF SERVICE

COPIES PREPAID TO ALL PARTIES ABOVE ON THIS ^{11th} 1ST DAY OF JUNE, 1990 WITH 41 COPIES TO THE SUPREME COURT OF THE UNITED STATES OF AMERICA IN WASHINGTON, D.C.

(cont'd)

COPIES TO THE LAW FIRM OF SHUGHART, THOMPSON, KILROY,
ET AL, 120 W. 12TH ST. KANSAS CITY, MO 64105, TO CASS COUNTY
COURT HARRISONVILLE, MO, TO W.D. OF MO. 1300 OAK ST. 64106,
AND THE SUPREME COURT OF MISSOURI, BOX 150 JEFFERSON
CITY, MO, 65102.

A handwritten signature in cursive script, appearing to read "Leo M. Mullen", is written over a horizontal line.

LEO M. MULLEN, M.D. PRO SE

4443 PASEO BLVD.

KANSAS CITY, MO 64110

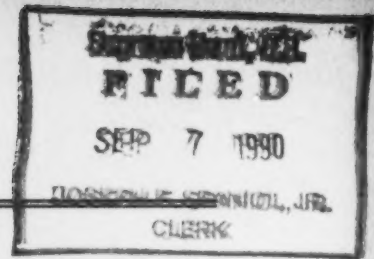
PHONE 1-816-921-5411

AND

1-913-362-2602

(2)

No. 90-292



In The
Supreme Court of the United States
October Term, 1989

LEO M. MULLEN, M.D., ET AL.,
Petitioners,
vs.

THE CITY OF BELTON, ET AL.,
Respondents.

On Petition For Writ Of Certiorari To The
Missouri Court Of Appeals

BRIEF FOR RESPONDENTS IN OPPOSITION

W. JAMES FOLAND*
THOMAS A. SHEEHAN
of
SHUGHART THOMSON & KILROY, P.C.
120 West 12th Street
Kansas City, Missouri 64105
(816) 421-3355
Counsel for Respondent

*Counsel of Record

COCKLE LAW BRIEF PRINTING CO., (800) 225-6964
OR CALL COLLECT (402) 342-2831

BEST AVAILABLE COPY

QUESTION PRESENTED

Whether petitioners' failure to comply with the Missouri Rules of Civil Procedure constitutes an adequate state-law ground for affirming the judgment below.

PARTIES TO THE PROCEEDINGS

Petitioners, Dr. Leo Mullen and the Credit Card Corporation (a Missouri corporation wholly owned by Leo and Delores Mullen), were plaintiffs-appellants below. Respondents, the City of Belton, Missouri, the Belton City Council, Belton Mayor Gary Mallory, and Stefanie Johnson were defendants-appellees below. Pursuant to Rule 29.1 respondent notes that it has no knowledge of any subsidiaries or affiliates of the Credit Card Corporation.

TABLE OF CONTENTS

	Page
Question Presented	i
Parties to the Proceedings	ii
Table of Authorities	iv
Statement of the Case	1
Reasons the Petition Should be Denied	2
I. Petitioners' Failure To Comply With The Mis- souri Rules Of Civil Procedure Is An Adequate State-Law Ground For Affirming The Judgment Below.....	2
Conclusion	4

TABLE OF AUTHORITIES

	Page
<i>Hedgebeth v. North Carolina</i> , 334 U.S. 806 (1948).....	4
<i>John v. Paullin</i> , 231 U.S. 583 (1913).....	3
<i>Mullen v. Renner</i> , 685 S.W.2d 212 (Mo. App. 1984)	3
<i>Mullen v. Starr</i> , 537 F. Supp. 945 (E.D. Mo. 1982)	3
<i>Nickel v. Cole</i> , 256 U.S. 222 (1921)	3
<i>Wolfe v. North Carolina</i> , 364 U.S. 177 (1960).....	3

No. 90-292

In The
Supreme Court of the United States
October Term, 1989

LEO M. MULLEN, M.D., ET AL.,
Petitioners,
vs.

THE CITY OF BELTON, ET AL.,
Respondents.

On Petition For Writ Of Certiorari To The
Missouri Court Of Appeals

BRIEF FOR RESPONDENTS IN OPPOSITION

Respondents City of Belton, Missouri, et al., respectfully pray that the Court deny the petition for writ of certiorari seeking review of the decision of the Missouri Court of Appeals.

STATEMENT OF THE CASE

Petitioners filed a petition for injunctive relief in Missouri state court seeking to prohibit the collection of taxes on numerous properties they owned in the City of Belton, Missouri. Petitioners alleged, among other things,

that the special assessments were invalid because the public election authorizing them violated state law.

Petitioners, then represented by counsel, agreed to allow the trial court to decide the case on stipulated facts. After carefully reviewing the stipulated facts and the written briefs submitted by counsel, the trial court held the election and the special assessments valid and denied the petition for injunctive relief.

Petitioners' *pro se* appeal to the Missouri Court of Appeals was dismissed after petitioners twice failed to comply with the Missouri Rules of Civil Procedure. Petitioners were given notice and the opportunity to cure the deficiencies in their brief, but failed to do so.

Petitioners filed the instant petition after the Missouri Supreme Court denied their application for transfer.

REASONS THE PETITION SHOULD BE DENIED

I. Petitioners' Failure To Comply With The Missouri Rules Of Civil Procedure Constitutes An Adequate State-Law Ground For Affirming The Judgment Below.

The petition should be denied for the fundamental reason that it does not present a question worthy of the Court's attention. State-law grounds exist for affirming the judgment below, and petitioners' vague allegations of fraud, conspiracy and bribery do not present a substantial federal question.

Even assuming the petition presents a substantial federal question, petitioners' failure to comply with the

Missouri rules is still an adequate state-law ground for affirming the judgment below and thus precludes the Court from reviewing that judgment. " '[W]hen, as here, there can be no pretense that the [state] Court adopted its view in order to evade a constitutional issue, and the case has been decided upon grounds that have no relation to any federal question, this Court accepts the decision whether right or wrong.' " *Wolfe v. North Carolina*, 364 U.S. 177, 195 (1960) (quoting *Nickel v. Cole*, 256 U.S. 222, 225 (1921)).

In *Wolfe*, the Court recognized that " 'it rests with each State to prescribe the jurisdiction of its appellate courts, the mode and time of invoking that jurisdiction, and the rules of practice to be applied in its exercise ' " *Id.* (quoting *John v. Paullin*, 231 U.S. 583, 585 (1913)).

Leo Mullen had sufficient notice that his *pro se* status would not relieve him of the obligation to comply with the Missouri Rules of Civil Procedure. In *Mullen v. Renner*, 685 S.W.2d 212, 215 (Mo. App. 1984), the Missouri Court of Appeals stated that

"Dr. Mullen is no stranger to the courts of this state or of the United States. He has frequently been involved in litigation. . . . '[R]ules of interpretation designed to serve the naivete and lack of legal sophistication of the customary *pro se* pleader do not necessarily apply to him whose favorite hobby at least, if not vocation, must be the writing of pleadings and filing of law-suits.' "

(Quoting *Mullen v. Starr*, 537 F. Supp. 945, 948-49 (E.D. Mo. 1982)). Thus, it should have been no surprise to petitioners that their repeated failure to comply with the

Missouri rules would result in the dismissal of the appeal.

Because the judgment below can be affirmed on state-law grounds, the instant petition presents no issues worthy of the Court's time and attention. *See, e.g., Hedgebeth v. North Carolina*, 334 U.S. 806, 807 (1948).

CONCLUSION

For the foregoing reasons, the petition should be denied.

Respectfully submitted,

W. JAMES FOLAND*

THOMAS A. SHEEHAN

of

SHUGHART THOMSON & KILROY, P.C.

120 West 12th Street

Kansas City, Missouri 64105

(816) 421-3355

Counsel for Respondents

*Counsel of Record